

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF ALASKA**

3  
4           TYRONE HAMPTON,

5                                   Petitioner,

6                                   v.

Case No. 3:22-cv-00245-SLG-KFR

7           EARL L. HOUSER,

8                                   Respondent.  
9

10                               **REPORT AND RECOMMENDATION TO DISMISS PETITION**

11           On November 9, 2022, Petitioner Tyrone Hampton, a self-represented  
12           prisoner, filed a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241.<sup>1</sup> At  
13           the time of filing, Petitioner indicated he was a pre-trial detainee at Goose Creek  
14           Correctional Center.<sup>2</sup> Petitioner challenges his pre-trial detention and alleges a  
15           violation of his Sixth Amendment right to “a speedy and public trial.”<sup>3</sup>

16           Specifically, Petitioner alleges that his trial was scheduled for the week of  
17           August 22, 2022, however, it did not take place as scheduled.<sup>4</sup> Petitioner attached a  
18           Felony 1 Retrial Order to his Petition indicating that date.<sup>5</sup> For relief, Petitioner  
19           demands enforcement of the “affirmative constitutional obligation to bring [him]  
20           promptly to trial.”<sup>6</sup>

21           The Court takes judicial notice of Petitioner’s *closed* criminal case referenced  
22           in his petition, *State of Alaska v. Tyrone Hampton*, Case No. 3PA-22-00694.<sup>7</sup>

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<sup>1</sup> Doc. 1.

24           <sup>2</sup> *Id.* at 1.

25           <sup>3</sup> *Id.* at 6.

26           <sup>4</sup> *Id.* at 7.

27           <sup>5</sup> *Id.* at 8.

28           <sup>6</sup> *Id.* at 9.

<sup>7</sup> Judicial notice is the “court’s acceptance, for purposes of convenience and without  
requiring a party’s proof, of a well-known and indisputable fact; the court’s power to accept

1 According to the public docket, Petitioner’s case was “Dismissed by Prosecution” on  
2 November 3, 2022, and the case was subsequently closed.

### 3 Screening Requirement

4 Title 28, United States Code, Section 2241 provides federal courts with general  
5 habeas corpus jurisdiction.<sup>8</sup> A petitioner may properly challenge pre-trial detention  
6 under 28 U.S.C. § 2241.<sup>9</sup> A court must “promptly examine” a habeas petition.<sup>10</sup> “If  
7 it plainly appears from the petition and any attached exhibits that the petitioner is  
8 not entitled to relief in the district court, the judge must dismiss the petition and  
9 direct the clerk to notify the petitioner.”<sup>11</sup>

### 10 Discussion

11 A writ of habeas corpus allows an individual to test the legality of being  
12 detained or held in custody by the government.<sup>12</sup> The writ is “a vital ‘instrument for  
13 the protection of individual liberty’ against government power.”<sup>13</sup> Under Section  
14 2241, the District Court may grant a writ of habeas corpus to a prisoner “in custody  
15 in violation of the Constitution or laws or treaties of the United States.”<sup>14</sup> Section  
16 2241 is the proper avenue for a state prisoner who seeks to challenge his state  
17 custody when there is no state judgment.<sup>15</sup>

18 Federal courts have limited jurisdiction, however, because Article III, Section

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20 such a fact.” BLACK’S LAW DICTIONARY (11th ed. 2019); *see also* *Headwaters Inc. v. U.S. Forest*  
21 *Serv.*, 399 F.3d 1047, 1051 FN 3 (9th Cir. 2005) (“Materials from a proceeding in another  
tribunal are appropriate for judicial notice.” (internal quotation marks and citation  
omitted)).

22 <sup>8</sup> *Rasul v. Bush*, 542 U.S. 466, 473 (2004).

23 <sup>9</sup> *See Stow v. Murashige*, 389 F.3d 880, 885-88 (9th Cir. 2004).

24 <sup>10</sup> Rule 4, Rules Governing Section 2254 Proceedings for the United States District Courts.

25 <sup>11</sup> *Id.*

26 <sup>12</sup> *Rasul*, 542 U.S. at 473-74.

27 <sup>13</sup> *Gage v. Chappell*, 793 F.3d 1159, 1167 (9th Cir. 2015) (quoting *Boumediene v. Bush*, 553 U.S.  
723, 743 (2008)).

28 <sup>14</sup> 28 U.S.C. § 2241(c)(3).

<sup>15</sup> *Stow*, 389 F.3d at 886 (“By contrast, the general grant of habeas authority in § 2241 is  
available for challenges by a state prisoner who is not in custody pursuant to a state court  
judgment—for example, a defendant in pre-trial detention or awaiting extradition.”)  
(quoting *White v. Lambert*, 370 F.3d 1002, 1006 (9th Cir. 2004)).

1 2 of the United States Constitution only grants federal courts the authority to hear  
2 actual cases and controversies. The Constitution's case-or-controversy requirement  
3 necessitates that a petitioner must have an actual injury traceable to the defendant  
4 (or respondent) that can be remedied with a favorable judicial decision.<sup>16</sup> A petition  
5 for a writ of habeas corpus is moot when it no longer presents an actual injury and  
6 the relief requested cannot be remedied by a favorable decision from the court.<sup>17</sup>  
7 Mootness is jurisdictional; therefore, a moot petition must be dismissed because  
8 nothing remains before a court to be remedied.<sup>18</sup>

9       Upon screening, Petitioner is not entitled to habeas relief pursuant to § 2241  
10 because the Court lacks jurisdiction over his claims as the issue he alleges is moot.  
11 The public record of the Alaska Superior Court shows that on November 3, 2022, the  
12 prosecution dismissed Petitioner's underlying state case, *State of Alaska v. Tyrone*  
13 *Hampton*, Case No. 3PA-22-00694, and the case was closed. Accordingly, Petitioner  
14 is no longer a pre-trial detainee pursuant to Case No. 3PA-22-00694 and no longer  
15 faces an alleged injury to his speedy trial rights that can be remedied with a  
16 favorable judicial decision.<sup>19</sup> Therefore, his petition is moot.

17       For the foregoing reasons, the Court lacks jurisdiction over Petitioner's  
18 Petition because the issue is moot. Therefore, the Court recommends Petitioner's  
19 Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 be **DISMISSED**.

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24 <sup>16</sup> *Spencer v. Kemna*, 523 U.S. 1, 7 (1998).

25 <sup>17</sup> *Wilson v. Terhune*, 319 F.3d 477, 479 (9th Cir. 2003); *Burnett v. Lampert*, 432 F.3d 996,  
26 1000-01 (9th Cir. 2005).

27 <sup>18</sup> *Spencer*, 523 U.S. at 18.

28 <sup>19</sup> See *United States v. MacDonald*, 456 U.S. 1, 8 (1982) ("The speedy trial guarantee is designed to minimize the possibility of lengthy incarceration *prior to trial*[.]") (emphasis added).

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